IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 12557 of 2004

Between:

1.P.Thyagaraju S/o.Doraiswamy R/o.Mitta Harijanawada (Village), Peddakalava Panchayath, Gangadhara Nellore Mandal Chittoor District A.P.,
2S.Ramesh Babu S/o. Seenaiah R/o.Mitta Harijanawada (Village), Peddakalava Panchayath, Gangadhara Nellore Mandal Chittoor District A.P.,

..... PETITIONERS

AND

1 The Prohibition and Excise Superintendent, Chittoor Chittoor District A.P.
2 The Prohibition and Excise Circle Inspector Chittoor Urban, Chittoor, Chittoor District. A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Article 226 of the Constitution of India, particularly one in the nature of writ of mandamus, directing the respondents not to interfere with shops of the petitioners bearing S.L.No.Licence 28/2002 -2003 Counter No.5, dated 30-4-2002 and SL.No.Licence 28/2002-2003 Counter No.4 Dated 30-4-2002 respectively of Mitta Harijana Wada Village, Gangadhara Nellore Mandal, Chittoor District, Andhra Pradesh and direct the first respondent herein to take action on the representation dt.13.7.2004 submitted by the petitioners after calling for the records.

Counsel for the Petitioners: MR.NUTHALAPATI KRISHNA MURTHY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following:

ORDER:

The petitioners are toddy tappers by profession and both of them are holding valid T.F.T. licences at Thana Check Post. It is alleged that one Sri M.Hari Babu Goud, who is the Sarpanch of Velutur village and running a shop under T.F.T. licence standing in the name of Sri D.Mohan in the same village, has started interfering with the business of the petitioners and coercing them to part with their shops. Therefore, the petitioners made a complaint to the second respondent-Prohibition & Excise Circle Inspector, Chittoor District. However, the second respondent instead of taking action against the said M.Hari Babu Goud, is threatening the petitioners to close the shops. Complaining the said action of the second respondent and also the other T.F.T. licence holder Sri D.Mohan, the petitioners made a representation before the first respondent-Prohibition & Excise Superintendent, Chittoor, on 13.07.2004. The grievance of the petitioners is that so far no action has been taken and that their business is being interfered with by the said Sri M.Hari Babu Goud due to which the petitioners are put to great hardship and that they are not in a position to carry on their business which is the only source of income for their livelihood.

2. The grievance of the petitioners which is solely based on alleged interference by certain individuals and which requires enquiry into factual aspects cannot be gone into by this Court. Hence, no adjudication as such can be made on merits in exercise of writ jurisdiction. However, having regard to the facts and circumstances of the case and in particular keeping in view the fact that the

representation made by the petitioners is pending before the first respondent, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the representation of the petitioners dated 13.07.2004 and to take appropriate steps in accordance with law to ensure that the business of the petitioners is not interfered, except in accordance with due process of law. The above exercise shall be made within a period of one week from the date of receipt of a copy of this order.

3. The writ petition is disposed of accordingly. No costs.

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20.07.2004

Note: Furnish CC by tomorrow

(B/O)

VGB

To

1 The Prohibition and Excise Superintendent, Chittoor Chittoor District A.P.
2 The Prohibition and Excise Circle Inspector Chittoor Urban, Chittoor, Chittoor District. A.P.

3 2CCs to the Govt. Pleader for Prohibition and Excise, High Court Buildings, Hyderabad (OUT)

4 2CD copies